

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

United States of America

v.

JAMES HOWARD CAMPBELL, JR.

Date of Previous Judgment: July 27, 2006

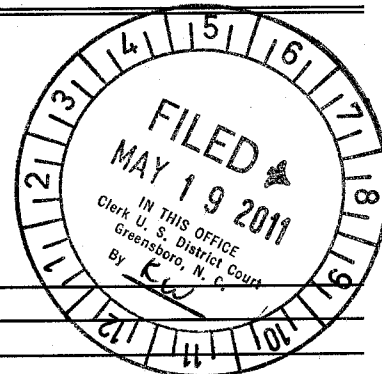
(Use Date of Last Amended Judgment if Applicable)

Case No: 1:06CR21-1

USM No: 19049-057

James E. Quander

Defendant's Attorney



Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____

Amended Guideline Range: _____

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain): _____

III. ADDITIONAL COMMENTS

Defendant was previously sentenced to 240 months imprisonment, the applicable statutory mandatory minimum sentence. Although Defendant's offense involved cocaine base ("crack"), the amendments to Sentencing Guideline § 2D1.1 for cocaine base ("crack") offenses would not affect the sentence in this case, as the statutory mandatory minimum would still apply. This Court cannot impose a sentence below the statutory mandatory minimum sentence. See United States v. Munn, 595 F.3d 183 (4th Cir. 2010) ("[A] defendant who was convicted of a crack offense but sentenced pursuant to a mandatory statutory minimum sentence is ineligible for a reduction under § 3582(c)(2)."); see also United States v. Wilkerson, 1:06CR58 (M.D.N.C. December 16, 2008), aff'd, 318 Fed. Appx. 192 (4th Cir. 2009). As such, Defendant's Motion will be denied.

All provisions of the judgment dated July 27, 2006 shall remain in effect.

IT IS SO ORDERED.

Order Date: 5-19-2011

Judge's signature

Effective Date: _____

(if different from order date)

James A. Beaty, Jr., Chief United States District Judge

Printed name and title